

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TAMPA SCOTT,

Plaintiff,

-v-

THE CITY OF NEW YORK et al.,

Defendants.

16 Civ. 1135 (PAE)

ORDER

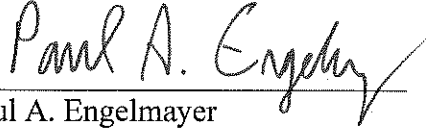
PAUL A. ENGELMAYER, District Judge:

Plaintiff filed the complaint in this action on February 15, 2016. Dkt. 1. On March 20, 2017, the parties stipulated that all of plaintiff's claims asserted against defendants City of New York, Detective Gregory Smith, and John Doe "1-2" be dismissed. Dkt. 59. The remaining defendants, "Undercover Police Officer" and "Undercover Police Officer Number 10" ("UC 10"), are the same officer. *See* Dkt. 57. On November 13, 2018, the Clerk of Court issued a second certificate of default against UC 10. Dkt. 93. On February 18, 2019, plaintiff moved for default judgment against UC 10. Dkt. 95. On March 18, 2019, the Court held a hearing on plaintiff's motion for default judgment, and, on March 19, 2019, stayed the case and requested an update from plaintiff as to his efforts to serve UC 10. Dkts. 100, 101. On October 23, 2019, following an update from plaintiff, the Court denied, without prejudice, plaintiff's request to serve UC 10 by publication and encouraged plaintiff to continue his efforts to locate UC 10 and achieve effective service. Dkt. 103.

Since then, UC 10 has not appeared in this action, and no further filings have been made in this case. Accordingly, the Court directs plaintiff to file, by January 5, 2023, a letter updating

the Court as to his efforts to serve UC 10 and explaining why this case should not be dismissed for failure to prosecute under Federal Rule of Civil Procedure 41.

SO ORDERED.

  
Paul A. Engelmayer  
United States District Judge

Dated: December 22, 2022  
New York, New York